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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

LAWRENCE LEE WATT
7868 Brannan Street
Ventura, CA 93004

Physical Therapist License No. PT 5723

Respondent.

Case No. 1D 2001 62896

OAH No. L2002 050153

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 6, 1971, the Physical Therapy Board of California (Board) issued Physical Therapist License No. PT 5723 to Respondent, which expired on November 30, 2002, and has not been renewed..

2. On or about May 23, 2002, Complainant Steven K. Hartzell, in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs, filed Accusation No. 1D 2001 62896 against Lawrence Lee Watt (Respondent) before the Board. (See Exh. A.)

3. On or about May 23, 2002, Elsa Ybarra, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. 1D 2001 62896, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 7868 Brannan Street, Ventura, CA 93004. (See Exh. A.)

1 4. Service of the Accusation was effective as a matter of law under the
2 provisions of Government Code section 11505, subdivision (c).

3 5. On November 21, 2001, Respondent was charged in Superior Court, County
4 of Ventura with sexual battery in violation of California Penal Code section 243.4(d)(1), in *People*
5 *v. Lawrence Lee Watt*, case no. 2001039200. On January 24, 2002, Respondent entered a guilty plea
6 and was thereafter sentenced to a jail term of 120 days and placed on probation for a period of 36
7 months. (See Exh. B.)

8 6. On May 10, 2002, an *Ex Parte* Petition for an Interim Suspension Order was
9 Granted. The Administrative Law Judge found that Respondent admitted the instant conduct and
10 also admitted that he engaged in similar conduct with other patients on at least ten separate
11 occasions. (See Exh. C at p.2, ¶s 5-6, 8.) In addition to Respondent's admissions, declarations
12 from Officer Wallace Boggess, Santa Paula Police Department, and Pattie Baker, Chief Operating
13 Officer of the Burnwall Clinic, were submitted and considered in support of the suspension order.
14 A noticed hearing on the Petition for Interim Order of Suspension was scheduled for May 28, 2002.
15 The order and notice of hearing were served upon Respondent by overnight mail.

16 7. On May 28, 2002, a hearing on the Petition for Interim Suspension was held.
17 Based on the declarations, police reports and statements by the Respondent contained therein, an
18 Interim Suspension Order was issued on June 4, 2002. The ISO was served upon Respondent by
19 overnight mail. (See Exh. D.)

20 8. Business and Professions Code section 118 states, in pertinent part:

21 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued
22 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
23 by order of a court of law, or its surrender without the written consent of the board, shall not, during
24 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
25 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
26 provided by law or to enter an order suspending or revoking the license or otherwise taking
27 disciplinary action against the license on any such ground."

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9. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

10. Respondent failed to file a Notice of Defense within 15 days, or at any time, after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 1D 2001 62896.

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions and the evidence before it, contained in exhibits A, B, C and D, and also by way of default, finds that the allegations in Accusation No. 1D 2001 62896 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Lawrence Lee Watt has subjected his Physical Therapist License No. PT 5723 to discipline.

2. A copy of the Accusation, the related documents and the Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Physical Therapy Board of California is authorized to revoke Respondent's Physical Therapist License based upon the following violations alleged in the Accusation:

a. sexual abuse, misconduct and/or relations with a patient in violation of section 726 in conjunction with section 2660.1 of the Business and Professions Code (“Code”);

1 b. gross negligence in the care and treatment of a patient in violation of
2 section 2660, subdivision (h), of the Code;

3 c. corrupt act upon a patient during the patient's care and treatment in
4 violation of section 2660, subdivision (l), of the Code; and

5 d. unprofessional conduct in violation of section 2234 of the Code.

6 **ORDER**

7 **IT IS ORDERED** that Physical Therapist License No. PT 5723, heretofore issued
8 to Respondent Lawrence Lee Watt, is hereby revoked.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve
10 a written motion requesting that the Decision be vacated and stating the grounds relied on within
11 seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate
12 the Decision and grant a hearing on a showing of good cause, as defined in the statute.

13 This Decision shall become effective on September 1, 2003.

14 It is so **ORDERED** July 31, 2003

15 Original Signed by Ellen Wilson, PT, President
16 FOR THE PHYSICAL THERAPY BOARD
17 OF CALIFORNIA
18 DEPARTMENT OF CONSUMER AFFAIRS

19 Accusation No.1D 2001 62896, Related Documents and Declaration of Service
20 Certified Misdemeanor Complaint, Waiver of Constitutional Rights, Minute Order
21 of Guilty Plea
22 *Ex Parte* Interim Suspension Order, Respondent Admissions, Declarations and
23 Supporting Evidence
24 Interim Suspension Order
25 Declaration of Costs
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Exhibit A
Accusation No. 1D 2001 62896,
Related Documents and Declaration of Service

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Exhibit B

Certified Misdemeanor Complaint, Waiver of Constitutional Rights
and Minute Order of Guilty Plea

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Exhibit C

Ex Parte Interim Suspension Order and
Respondent's Express Admissions, Declarations and Supporting Evidence

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Exhibit D
Interim Suspension Order

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Exhibit E
Certificate of Costs